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OFFICE OF PETITIONS

In re Application of
Robert A. Murgita
Application No. 08/879,469
Filed: June 20, 1997
Attorney Docket No.: 06727/006001

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: **DECISION ON PETITION**
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This is a decision on the petition under 37 CFR 1.137(b),¹ filed December 27, 2004, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on June 24, 2003, for failure to pay the issue fee in response to the Notice of Allowance mailed March 21, 2003 and which set a three (3) month period for reply. Accordingly, a Notice of Abandonment was mailed March 31, 2004. A petition to revive under 37 CFR 1.137(a) was filed July 30, 2004 but was dismissed in a decision mailed December 8, 2004.

Comes now the instant petition to revive under the unintentional standard.

The issue fee was previously paid with the petition filed July 30, 2004. The difference between the fee set at that time and the current fee has been applied to the finance records for this application. The application is being forwarded to the Publishing Division to be processed into a patent.

Telephone inquiries related to this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

¹ Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(e)).